

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

Robert Earl Council,

Plaintiff

v.

**Commissioner John Hamm, in his official
capacity, for the Alabama Department of
Corrections, et al.**

Defendants.

Civil Action No. 2:23-cv-00658-ECM-CWB

**PLAINTIFF’S UNOPPOSED MOTION TO MODIFY DEADLINES
FOR SUPPLEMENTAL PRELIMINARY INJUNCTION BRIEFS**

This Court conducted a hearing on Plaintiff Robert Earl Council’s motion for preliminary injunctive relief on November 30, 2023. Doc. 39. At the parties’ request, the Court order Plaintiff Council to submit his supplemental brief by December 7, 2023, and Defendants to submit theirs by December 21, 2023. Doc. 40. The purpose of the briefs is to summarize the evidence and present any corresponding legal arguments. For the reasons explained below, Plaintiff Council seeks an order modifying these deadlines. Defendants agree to the requested modifications.

In an effort to provide an accurate and comprehensive recounting of the evidence and its application to the applicable legal standards, Plaintiff Council seeks to incorporate specific witness testimony into his supplemental brief. This will aid this Court’s analysis of the issues at hand and facilitate the administration of justice. To that end, on December 1, 2023, the day after the preliminary injunction hearing, counsel for Plaintiff Council made an expedited request for the hearing transcript. On December 5, 2023, counsel learned that the transcript may not be ready until December 11, 2023, such that it would not be possible to incorporate the witness testimony into a brief submitted on December 7, 2023.

For this reason, Plaintiff Council seeks a one-week extension of time to submit his supplemental brief until December 14, 2023. Given the intervening holiday and related office closures, Defendants request until January 4, 2024, to submit their response brief.

Respectfully submitted this 6th day of December, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of December, 2023, I filed this Motion to Modify Deadlines For Supplemental Preliminary Injunction Briefs with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to all registered CM/ECF users:

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